

## CHAPTER 182

## EMERGENCY DELAY OF FORECLOSURES

H. F. 193

AN EMERGENCY ACT relating to the foreclosure of real estate mortgages and deeds of trust on real estate and to actions on notes secured by such mortgages or deeds of trust; providing for the continuance of such actions; providing for determination by the court of the rights of the holder of such mortgage, owner or owners of the real estate and persons liable on such mortgage, deed of trust, or note secured thereby, to the possession of said real estate, and to the rents, income and profits therefrom; providing for the distribution thereof; providing for rental terms; providing for the termination of such order of continuance; and providing for termination of this act.

*Be it enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. The governor of the state of Iowa having declared that  
2 an emergency now exists, and the general assembly having determined  
3 that such emergency does exist, which is general throughout the state,  
4 and that the safety and future welfare of the state as a whole is  
5 endangered thereby, the general assembly acting under the power  
6 reserved by the people of Iowa, does hereby enact the following:

1 SEC. 2. In all actions for the foreclosure of real estate mortgages  
2 or deeds of trust now pending in which decree has not been entered,  
3 and in all actions hereafter commenced for the foreclosure of real  
4 estate mortgages or deeds of trust, or on notes secured thereby, in  
5 any court of record in the state of Iowa, while this act is in effect,  
6 the court, upon application of the owner or owners of such real estate  
7 or persons liable on said mortgages or deeds of trust, or notes secured  
8 thereby, who are defendants in said cause and not in default for want  
9 of pleading or appearance shall, unless upon hearing on said applica-  
10 tion good cause is shown to the contrary, order such cause continued  
11 until March 1, 1935, or so long as this act is in effect, providing, how-  
12 ever, that in all causes now pending in which default has been entered  
13 but no decree signed, said owner or owners of such real estate or per-  
14 sons liable on said mortgages or deeds of trust, or notes secured there-  
15 by, shall have ten days from the taking effect of this act in which to  
16 file said application for continuance, and upon such order of continu-  
17 ance the court shall make order or orders for possession of said real  
18 estate, giving preference to the owner or owners in possession, deter-  
19 mine fair rental terms to be paid by the party or parties to be in  
20 possession and the application and distribution of the rents, income  
21 and profits from said real estate, and make such provision for the  
22 preservation of said property as will be just and equitable during the  
23 continuance of said cause, which order or orders shall provide that  
24 such rents, income or profits shall be paid to and distributed by the  
25 clerk of the district court of the county in which said suit is pending,  
26 and further provide that in such distribution, taxes, insurance, cost of  
27 maintenance and upkeep of said real estate shall be paid in the  
28 priority named, and any balance distributed as the court may further  
29 direct; provided, however, that the court shall, upon a substantial  
30 violation of its said order or orders, or for other good and sufficient  
31 cause, set aside said order or continuance and the cause shall proceed

32 to trial as by law now provided, the provisions of this act to the con-  
33 trary notwithstanding.

1 SEC. 3. For the purpose of the administration of this act, the  
2 court may in all cases suggest and recommend conciliation.

1 SEC. 4. All acts and parts of acts in conflict with this act are sus-  
2 pended while this act is in effect.

1 SEC. 5. From and after the first day of March, 1935, this act shall  
2 cease to be in force.

1 SEC. 6. This act being brought forth to meet an emergency  
2 through the police power of the state and being deemed of immediate  
3 importance shall be in full force and effect after its passage and pub-  
4 lication in the Fort Dodge Messenger, a newspaper published at Fort  
5 Dodge, Iowa, and the Sibley Gazette-Tribune, a newspaper published  
6 at Sibley, Iowa.

House File No. 193. Approved February 8, 1933.

I hereby certify that the foregoing act was published in the Fort Dodge Messenger  
February 9, 1933, and the Sibley Gazette-Tribune February 9, 1933.

MRS. ALEX MILLER, *Secretary of State.*

## CHAPTER 183

### NUISANCES. STRUCTURES NEAR AIRPORT

#### H. F. 344

AN ACT to amend section twelve thousand three hundred ninety-six (12396), code, 1931, relating to nuisances, and to provide that any object or structure over fifty feet high hereafter erected within one thousand feet of the limits of any municipal airport which may endanger or obstruct aerial navigation is a nuisance.

*Be it enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. That section twelve thousand three hundred ninety-six  
2 (12396), code, 1931, be amended by adding thereto the following:

3 "9. Any object or structure over fifty feet high hereafter erected  
4 within one thousand feet of the limits of any municipal airport which  
5 may endanger or obstruct aerial navigation."

House File No. 344. Approved April 24, 1933.